Snyder et al v. Greenberg Traurig, LLP et al Doc. 24

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CATHERINE AND RICHARD SNYDER,	)	
	)	
Pro Se Plaintiffs,	)	
	)	
v.	)	No. 1:07-cv-469
	)	
GREENBERG TRAURIG, LLP, *et al.*	)	
	)	
Defendants.	)	
	)	

JOINT REPORT OF PARTIES' CONFERENCE PURSUANT TO FED. R. CIV. P. 26(f) AND PROPOSED DISCOVERY PLAN

In advance of the July 18, 2007 Pretrial Conference, the parties have conferred to consider and discuss all matters required by Federal Rules of Civil Procedure 16 and 26. Participating in these conferences were *pro se* plaintiff Richard Snyder and defense counsel Thomas G. Connolly, Charles T. Kimmett, and Justin Dillon. The parties respectfully propose the following discovery plan:

I. Subjects of Discovery

Discovery in this action will be needed concerning the allegations of the Complaint and the averments and defenses asserted in the Defendants' Motion to Dismiss, which was filed on June 25, 2007. Plaintiffs' response to the Motion to Dismiss is pending, and Defendants have not yet filed an Answer. Plaintiffs have filed a motion requesting an extension of time to oppose Defendants' Motion To Dismiss, and Defendants have consented to that motion.

II. Discovery Schedule

A. Schedule Proceeding from the Date of a Ruling on Defendants' Motion to Dismiss

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Mindful that the Court departs from its standard scheduling order only rarely, the parties propose a schedule that would proceed from the date that the Court rules on Defendants' pending Motion to Dismiss. The parties believe that such a schedule would conserve both the parties' and the Court's resources by avoiding onerous discovery burdens that may ultimately be obviated by the Motion to Dismiss. Accordingly, they propose the following schedule:

1. **7 days after ruling:** Service of initial disclosures and written discovery
2. **12 days after ruling:** Service of any objections to written discovery
3. **22 days after ruling:** Service of responses to written discovery
4. **50 days after ruling:** Service of expert disclosures (if applicable)
5. **75 days after ruling:** Service of rebuttal expert disclosures (if applicable)
6. **90 days after ruling:** Discovery closes
7. **105 days after ruling:** Dispositive motions filed
8. **5 days before trial:** Jury instructions filed

A Proposed Order incorporating this schedule, entitled First Proposed Rule 16(b) Scheduling Order, is attached. The parties believe that all discovery can and should be completed by the deadlines provided above. The parties respectfully request that the Court set the deadlines suggested above for the completion of discovery.

B. Schedule Proceeding from the Date of the Pretrial Conference (July 18, 2007)

If the Court would prefer not to schedule discovery according to the date that the Motion to Dismiss is decided, the parties propose an alternative schedule. This schedule—which is the parties' second choice—proceeds from the July 18, 2007 Pretrial Conference and incorporates the dates specified in the Court's June 21, 2007 Scheduling Order. But as noted below, the parties propose one addition to those dates: a deadline for the filing of dispositive motions.

1. **July 25, 2007:** Service of initial disclosures and written discovery
2. **August 2, 2007:** Service of any objections to written discovery
3. **August 13, 2007:** Service of responses to written discovery
4. **August 27, 2007:** Service of expert disclosures (if applicable)
5. **September 4, 2007:** Service of rebuttal expert disclosures (if applicable)
6. **September 14, 2007:** Discovery closes
7. **September 20, 2007:** Final Pretrial Conference[1]
8. **September 24, 2007:** Dispositive motions filed

A Proposed Order incorporating this schedule, entitled Second Proposed Rule 16(b) Scheduling Order, is attached.

III. Phases of Discovery

Discovery shall not be conducted in phases and is not to be limited to or focused upon particular issues.

IV. Discovery Limitations

Pursuant to the June 21, 2007 Scheduling Order, no party will take more than five (5) non-party, non-expert depositions without leave of Court, and no party will serve on the other party more than thirty (30) interrogatories, including parts and subparts, without leave of Court.

V. Certification of the Parties

The parties signify by the signatures of themselves or their counsel below that they have conferred to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, trial before a Magistrate Judge, the disclosures required by Rule 26(a)(1), and to develop a discovery plan.

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[1]Although they have calendared it here and in the Second Proposed Order according to the date specified in the Court's Scheduling Order, the parties respectfully request that the Final Pretrial Conference be moved until after any dispositive motions have been briefed and decided.

Dated: July 17, 2007

Respectfully submitted,

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/s/

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CERTIFICATE OF SERVICE

I hereby certify that I will mail a true and accurate copy of the foregoing Joint Report to non-filing users and *pro se* Plaintiffs Catherine Snyder and Richard Snyder via U.S. mail on this 17th day of July, 2007, at the following address:

Catherine Snyder and Richard Snyder
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_______________/s/__________________

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